IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

SYMBOLOGY INNOVATIONS, LLC

Plaintiff,

Civil Action No. 2:23-cv-419-JRG-RSP

JURY TRIAL DEMANDED

V.

VALVE CORPORATION, GEARBOX SOFTWARE, LLC Defendant.

> DECLARATION OF CHRISTOPHER SCHENCK IN SUPPORT OF VALVE CORPORATION'S RENEWED MOTION TO DISMISS UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(b)(3) FOR IMPROPER VENUE

- 1. My name is Christopher Schenck. I am over the age of twenty-one years, of sound mind, and competent in all respects to make this declaration.
- 2. I make this declaration based on my own knowledge and investigation within Valve Corporation ("Valve") as to the matters reflected within this declaration. I could and would competently testify to the accuracy of this declaration if called upon to testify regarding its contents.
- I am in-house counsel at Valve. I have been employed by the company since
- 4. Valve is incorporated in the state of Washington and has its headquarters at 10400 Northeast Fourth St. Fl. 14, Bellevue, WA 98004.
 - 5. Valve does not have a physical presence in the Eastern District of Texas.

- 6. Valve does not own any real property, rent any office space, or possess or control any "shelf space" (i.e., it does not rent out a table in a retail store to sell its products) or computer servers in the Eastern District of Texas.
- 7. Valve does not control, supervise, assist, or participate in any operations of Steam PC Cafes.
 - 9. Valve has no record of an employee named Helen Pope ever working for Valve.
- Valve has no record of an employee named Mitchell Ludolf ever working for
 Valve.
- 11. Brandon Reinhart is a former independent contractor for Valve, whose contract has ended.
- 12. Jenni Jacobi is a current independent contractor Valve hired through a third-party. She focuses on video and event production work, such as contract management and project coordination.
- 13. Based upon my investigation into the matter, Helen Pope, Mitchell Ludolf, Brandon Reinhart, and Jenni Jacobi are not current employees of Valve.
 - 14. Valve has not focused on the development of augmented reality since 2013.
- 15. Although Valve uses third-party companies to provide customer support, none of the facilities that Valve uses for customer support are located in Texas.
- 16. Valve is not related to Gearbox Software LLC ("Gearbox"). Valve does not have any control or authority over Gearbox.

- In 1999, Gearbox developed an expansion of Valve's game Half-Life entitled
 Half-Life: Opposing Force.
- 18. In 2001, Gearbox developed another expansion of Valve's game Half-Life entitled Half-Life: Blue Shift.
- 19. Later in 2001, Valve entered into a contractual agreement with Gearbox to do additional video game development work and create video game content.
 - 20. In 2002, Valve terminated its contract with Gearbox.
 - 21. Since 2002, Valve has not collaborated with Gearbox to develop any products.
 - 22. Valve and Gearbox did not work together to develop the Steam mobile app.
- 23. Valve and Gearbox are separate entities that do not share any common ownership, employees, or office space.
- 24. Gearbox is one of thousands of game developers that sell their products on Valve's Steam platform.

Under 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Christopher Schenck

Executed on February 28, 2024